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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,894	03/15/2004	Suzzy Rex	1360	8317

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EXAMINER

BALSIS, SHAY L

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/799,894

Applicant(s)

REX ET AL.

Examiner

Shay L. Balsis

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-10, 14 and 17 is/are rejected.
- 7) ☒ Claim(s) 11, 12, 15, 16, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Foster (USPN 5500972).

Foster teaches a scrubber comprising a handle (figure 1, element 16), a head (figure 1, element 12; figure 4, element 26) attached to the handle, an internal battery (figure 4, element 36) and motor (figure 4, element 30). There is an extension handle (figure 1 and 4, element 44) removably attached to the handle by threading means (fig 4).

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Pears et al. (PGPub 20040261204).

Pears teaches a scrubber comprising a handle (figure 2, element 14), a head (figure 2, element 20) attached to the handle, an internal battery (figure 2, element 22) and motor (figure 2, element 16). There is an extension handle (figure 2, element 31) removably attached to the handle by threading means (30a).

### ***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pears et al. in view of Henson (USPN 3423781).

Pears teaches all the essential elements of the claimed invention however fails to teach a slot and pin locking mechanism for attaching the extension arm to the handle. Pears teaches using a threading mechanism to connect the linear extension arm to the handle. Henson teaches a handle extension comprising a handle (20) and a linear extension arm (10) removably attached to the handle. There is a cylindrical receiving cavity formed at the distal end of the arm. The cavity circumscribes a proximal end of the handle. There is a pair of opposing slots (26) on the arms and pins (22) located on the handle. The pins on the handle are received within the slots on the arm to securely lock the handle to the arm. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pears' invention so that a pin and slot mechanism are used on the handle and extension arm as taught by Henson. Since the threading means and the pin and slot means are both attachment mechanisms and were art-recognized equivalents at the time of the invention was made, one of ordinary skill in the art would have found it obvious to substitute pin and slot for threading.

Claims 3-4, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster in view of Henson (USPN 3423781).

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Foster teaches all the essential elements of the claimed invention however fails to teach a slot and pin locking mechanism for attaching the extension arm to the handle. Foster teaches using a threading mechanism to connect the angled extension arm (figure 3) to the handle. Henson teaches a handle extension comprising a handle (20) and a linear extension arm (10) removably attached to the handle. There is a cylindrical receiving cavity formed at the distal end of the arm. The cavity circumscribes a proximal end of the handle. There is a pair of opposing slots (26) on the arms and pins (22) located on the handle. The pins on the handle are received within the slots on the arm to securely lock the handle to the arm. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster's invention so that a pin and slot mechanism are used on the handle and extension arm as taught by Henson. Since the threading means and the pin and slot means are both attachment mechanisms and were art-recognized equivalents at the time of the invention was made, one of ordinary skill in the art would have found it obvious to substitute pin and slot for threading.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pears et al. and Henson in further view of Anctil (USPN 5791006).

Pears in view of Henson teach all the essential elements of the claimed invention however fail to teach an angled extension arm and a curvilinear extension arm coupled together. Anctil teaches a cleaning implement with a handle system wherein the handle comprises a curvilinear extension (10a) and an angled extension (14a) attached to the handle of the cleaning implement (30, 36). It would have been obvious to modify Pears so that the extension handle would have a curvilinear and angular extension coupled together as taught by Anctil, so that the

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implement could be used to clean high and low places while maintaining the arms and hands in more natural less strain inducing angles (col. 1, lines 38-43).

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pears et al. in view of Nichols (USPN 5609255) and further in view of Henson.

Pears teaches a cleaning implement comprising a handle (14) having an operation control (26) and an internal compartment housing a power source (22) and motor (16). The cleaning implement also comprises a cleaning head (20), removably attached to the handle, and a linear extension arm (31). Pears fails to teach that the extension arm comprises three sections and that the extension arm is attached to the handle by means of a pin and slot connection.

Nichols teaches a cleaning implement comprising an extension handle with three sections (14) that are threadingly (16) attached to one another. Nichols teaches all the element however fails to teach a pin and slot connection means between each extension arm.

Henson teaches a handle extension comprising a handle (20) and a linear extension arm (10) removably attached to the handle. There is a cylindrical receiving cavity formed at the distal end of the arm. The cavity circumscribes a proximal end of the handle. There is a pair of opposing slots (26) on the arms and pins (22) located on the handle. The pins on the handle are received within the slots on the arm to securely lock the handle to the arm.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pears' invention so that the extension handle has three section, as taught by Nichols, so that the length of may be varied for reaching difficult locations, for use by persons of varying heights or for ease of storage (col. 1, lines 64-66) and also to modify Pear's invention so that the extension handle is attached by means of a pin and slot rather than threading, as taught

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by Henson. Since the threading means and the pin and slot means are both attachment mechanisms and were art-recognized equivalents at the time of the invention was made, one of ordinary skill in the art would have found it obvious to substitute pin and slot for threading.

Claims 10, 14, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pears et al. and Nichols and Henson as applied to claims 8 and 9 above and further in view of Leas (USPN 2624021).

Pears et al. and Nichols and Henson teach all the essential elements of the claimed invention however fail to teach that one of the extension arms is curvilinear or angled. Leas teaches an extension arm comprising an curvilinear (claims 10, 14) or angular (claim 17) section (14) attached to a linear extension arm (21). The extension element (14) could be considered to be both curvilinear and angular since there is no distinguishing factor between the two terms. If it is curved it has an angle and the angle is curved. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pears in view of Nichols in view of Henson to that there is a curvilinear or angular extension as taught by Leas so that the cleaning device would be able to clean placed which are awkward to reach, for instance under bed and bureaus or the tops of closets and tall bookcases (col. 1, lines 1-6).

***Allowable Subject Matter***

Claims 11-13, 15-16, 18-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

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Claim 11 teaches that the extension arm must comprise a linear section, a curvilinear section and an angular section. None of the references teach all three sections together comprising a three section extension arm.

Claims 15 and 18 state that there are three sections to the extension arm and one is curvilinear and one is angular. The curvilinear section is coupled to the angled extension arm. None of the references teach this limitation.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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5/19/05